

The Honorable Philip H. Brandt
Chapter 7
Hearing Date: October 14, 2009
Hearing Time: 9:30 a.m.
Response Date: October 7, 2009
Hearing Location: Tacoma, WA

IN THE UNITED STATES BANKRUPTCY COURT
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

In Re:

NO. 08-45120-PHB

PETER A. JACOBSON and MARIA E.
JACOBSON,

NOTICE AND APPLICATION FOR
DISALLOWANCE OF CLAIM NO. 3

Debtors.

NOTICE

TO : Peter and Maria Jacobson, Debtors
AND TO : Kenneth E. Rossback, Attorney for Debtors
AND TO : Office of the United States Trustee
AND TO : CACV of Colorado, LLC, c/o Suttell & Associates, Creditor's Counsel
AND TO : Clerk of the Court

PLEASE TAKE NOTICE that the Trustee has filed an Application for Disallowance of Claims as set forth in the Application attached to this Notice and for the reasons set forth in the Application. The Application IS SET FOR HEARING as follows:

JUDGE: Philip H. Brandt DATE: October 14, 2009
PLACE: Union Station TIME: 9:30 a.m.
1717 Pacific Avenue, Courtroom I
Tacoma, WA 98402

IF YOU OPPOSE the Application, you must file your written response with the Court Clerk, serve two copies on the Judge's chambers, United States Bankruptcy Court, 1717 Pacific Avenue, Suite 2100, Tacoma, Washington 98402 and deliver copies on the undersigned not later than the response date, which is **October 7, 2009**.

If no response is timely filed and served, the Court may, in its discretion, grant the Application prior to the hearing, without further notice, and strike the hearing.

NOTICE AND APPLICATION FOR
DISALLOWANCE OF CLAIM NO. 3 - 1

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TERRENCE J. DONAHUE
Chapter 7 Trustee
1201 Pacific Avenue, Ste. 1200
Tacoma, WA 98402
(253) 620-2519

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APPLICATION

COMES NOW Terrence J. Donahue, duly appointed and acting Chapter 7 Trustee for the above-referenced bankruptcy estate ("Trustee") and files this Application for Disallowance of Claims.

The Trustee requests disallowance of the following claims for the reasons stated herein:

<u>Claimant & Claim No.</u>	<u>Claim Amount</u>	<u>Basis for Disallowance of Claim</u>
CACV of Colorado, LLC, Claim No. 3	\$12,419.68	Creditor filed its claim as secured providing a copy of an Order of Default and Judgment. Debtors' counsel has pending before this Court a motion to avoid Claimant's lien against Debtors' residence. Trustee seeks disallowance of Claim No. 3 as a secured claim and allowed as a general unsecured claim.

WHEREFORE, the Trustee moves the Court for entry of an order disallowing Claim No. 3 as a secured claim and allowing Claim No. 3 as a general unsecured claim to the extent provided herein.

DATED this 4th day of September, 2009.

By: /s/ Terrence J. Donahue
Terrence J. Donahue, WSBA #15193
Chapter 7 Trustee